

June 17, 2004

To Whom It May Concern:

I represent KOFO, a small market radio station that has limited financial resources. I am filing this response with the FCC in order to show my support with the NAB's petition for a Declaratory Ruling in regards to SDARS use of "local" programming, under the assigned docket number, MB Docket No. 04-160.

It is quite evident that when the FCC gave approval to SDARS, that the agreement was based upon the assumption that non-terrestrial based broadcasting would be limited to national coverage. Correspondence from XM, Sirius, and the FCC explicitly said, "[S]atellite radio is an inherently national service and *therefore offers no competitive threat whatsoever* to traditional radio stations' local programming strengths, such as local news, *weather, traffic*, school closings, personalities, spots, talk and the like." However, it is obvious that these services are being contrary to their earlier statements by using new technology to broadcast geographically specific material, particularly traffic reports and weather. This programming is making satellite-based radio indistinguishable from local radio. This is a clear violation of the agreement reached between SDARS and the FCC.

As a small station, we are extremely involved in various aspects of our local community. We are the only radio station serving our community. We provide the only source of information in cases of severe weather and breaking news coverage. If satellite radio bleeds off a part of that audience we lose revenue because our product becomes that much less valuable to our advertisers. If that were to happen, we will not be able to continue doing our job of serving the community.

This is not a question of preference of satellite radio over local radio. This is an issue of survival. So unless they want to destroy the only local station serving this community the FCC better support the small local broadcaster against the big satellite giants. I can guarantee the big satellite boys won't provide the kind of local coverage and programming we do.

Sincerely,

Bradley A. Howard
President/ General Manager
KOFO Radio